

AUG 20 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

DAVID DEWAYNE SCOTT,  
Petitioner,

v.

GENE JOHNSON,  
Respondent.

) Civil Action No. 7:09-cv-00344  
)  
)

) ORDER  
)  
)

) By: Hon. James C. Turk  
) Senior United States District Judge  
)

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, is  
**DISMISSED without prejudice** for failure to exhaust state court remedies and the action is  
**STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this final order and the accompanying  
memorandum opinion to the petitioner.

ENTER: This 20<sup>th</sup> day of August, 2009.

*[Signature]*  
\_\_\_\_\_  
Senior United States District Judge